

REMARKS

I. Introduction

In response to the pending Office Action, Applicants have amended claims 1, 7, 15 and 23, and added new claims 29-31 in order to further clarify the present invention. Claims 2-6 and 21-22 were cancelled, without prejudice. The limitations of claim 4 were incorporated into claim 1. The limitations of claims 21 and 22 were incorporated into claim 15. Support for new claim 29 may be found in original claims 1 and 8. Support for new claim 30 may be found in original claims 1 and 14. Support for new claim 31 may be found in original claims 15 and 18. No new matter has been added.

Applicants note with appreciation the indication of allowable subject matter recited in claims 8, 14 and 22. As claim 15 has incorporated the limitations of claim 22, Applicants submit that claims 15-20, 23 and 28 are all allowable over the cited prior art. In addition, as new claims 29 and 30 have incorporated the limitations of claims 8 and 14 respectively, Applicants submit that new claims 29 and 30 are allowable over the cited prior art.

For the reasons set forth below, Applicants respectfully submit that all pending claims as currently amended are patentable over the cited prior art.

II. The Rejection of Claims 1, 4, 7, 9-13, 15, 18, 21 and 23 Under 35 U.S.C. § 102

Claims 1, 4, 7, 9-13, 15, 18, 21 and 23 were rejected under 35 U.S.C. § 102(b) as being anticipated by Inoue et al. (JP 08-195199). Applicants respectfully submit that Inoue fails to anticipate the pending claims for at least the following reasons.

With regard to the present invention, amended claim 1 recites an electrochemical device comprising a positive electrode, a negative electrode and an electrolyte, wherein at least one of

said positive and negative electrodes comprises a compound having a structure represented by the general formula (4) (shown above) where X and Y are independent of each other and each represents a sulfur atom, an oxygen atom, a selenium atom, a tellurium atom or a methylene group.

It was alleged that Inoue teaches that the positive electrode contains an electron-donative compound which can be at least one of bis-ethylene dithiotetrafulvalene. However, as claim 1 has been amended to recite an electrochemical device containing a compound of formula (4), which is not bis-ethylene dithiotetrafulvalene, Inoue fails to disclose amended claim 1 and all claims dependent thereon.

Anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently in a prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), and Inoue fails to disclose or suggest an electrochemical device comprising a positive electrode, a negative electrode and an electrolyte, wherein at least one of said positive and negative electrodes comprises a compound having a structure represented by the general formula (4) (shown above) where X and Y are independent of each other and each represents a sulfur atom, an oxygen atom, a selenium atom, a tellurium atom or a methylene group. Therefore, as it is apparent from the foregoing that Inoue fails to anticipate claim 1 or any dependent claims thereon, Applicants respectfully request that the § 102 rejection be withdrawn.

III. All Dependent Claims Are Allowable Because The Independent Claim From Which They Depend Is Allowable

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are

contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all pending dependent claims are also in condition for allowance.

Furthermore, as new claim 31 recites an electrode active material for an electrochemical device comprising a compound having a structure represented by the general formula (4), Applicants assert that claim 31 is also allowable for the above cited reasons.

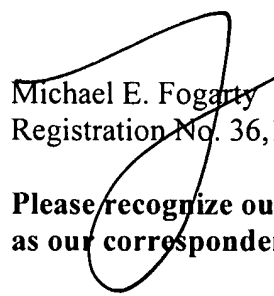
IV. Conclusion

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication of which is respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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